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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,097	03/24/1999	JOHN C. BURNS	53921/64	9336

23553 7590 12/29/2005

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EXAMINER

HARPER, KEVIN C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/275,097	Applicant(s) BURNS ET AL.	
	Examiner Kevin C. Harper	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 and 34-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 and 34-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed December 12, 2005 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, upon further consideration, the indicated allowability of claim 12-22 and 34-46 is withdrawn and a new ground of rejection is given for Hsing in view of Arslan.

Claim Objections

1. Claims 13-22 and 37-46 are objected to because in claims 13 and 37 "connection associated with the lowest priority level" should be --connection associated with the highest priority level-- to be in accordance with step (c) in claims 12 and 36 and with the specification, page 21, lines 21-27 (see figs. 5 and 7). Similarly in claim 45, lines 3, "lowest" and "highest" should be interchanged. Appropriate correction is required.
2. Claim 18 is objected to because it is dependent upon itself.
3. Applicant is advised that should claim 18 be found allowable, claim 19 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing (US 6,167,025) in view of Arslan et al. (US 5,444,693).

4. Regarding claims 12 and 34-35, Hsing discloses an apparatus having means performing a method of releasing switched connections from a network entity (fig. 1 and fig. 2, item 220B; fig. 4A) in a signaling communications network (col. 13, lines 5-17). The switched connections are routed across the communication network (figs. 1 and 3-4) and are established between source and destination entities (col. 7, lines 35-44) using connection establishment request messages (col. 8, lines 29-60).

5. However, Hsing does not disclose that a priority indicator is associated with each connection of a variable capacity trunk and that connections are released in order of priority. Arslan discloses a restoration that takes place upon detection of a reduction of the capacity of a logical trunk sufficient to sustain only a reduced number of connections (col. 7, lines 7-10; note: only some connections on a link fail). A stored priority indicator for failed connections is stored in a look-up table (col. 5, lines 12-15 and 23-26; col. 5, lines 3-11) and the failed connections are released in sequence according to priority (col. 6, lines 49-52; col. 8, lines 40-47). A message containing the failed connection's priority indicator and the source and destination of the connection is transmitted (col. 9, lines 29-34 and 47-50; col. 8, lines 48-55 and 59-63). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have priority indicators for connections and propagate connections release messages

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according to the priority of the connections in the invention of Hsing in order to establish alternate paths first for higher priority connections after a network outage (Arslan, col. 5, lines 23-31).

Claims 13-16 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan applied to claim 12 above, and further in view of Tiedemann, Jr. et al. (US 5,914,950).

6. Regarding claims 13-14, Hsing in view of Arslan does not disclose compiling an ordered list or table of every connection and releasing the connections in the ordered release list in sequence from highest priority to lowest priority. Tiedemann discloses ordering according to priority a list of users to utilize network resources and selecting in sequence the highest priority user (col. 11, lines 21-30). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an ordered list of connections for reestablishment in the invention of Hsing in view of Arslan in order to implement the determination and selection of the highest priority connections (Tiedemann, col. 8, lines 23-25 and 46-48).

7. Regarding claims 15-16, in Hsing a failure causes propagation of connection release messages from the network entity toward the source and destination (fig. 4; fig. 6, item 608; fig. 6, item 616 and fig. 7a, item 714-716) for each connection (fig. 6, item 604; fig. 7, item 709).

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan and Tiedemann as applied to claim 16 above, and further in view of Jamoussi et al. (US 5,914,950).

8. Regarding claim 17-19, Hsing in view of Arslan and Tiedemann does not disclose a logical IMA trunk. Jamoussi discloses a logical trunk for use in an ATM system (fig. 1, item 34; col. 4, lines 40-44). Therefore, it would have been obvious to one skilled in the art at the time

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the invention was made to have a logical trunk as an IMA trunk in the invention of Hsing in view of Arslan and Tiedemann in order to manage connections using multiple links for a required bandwidth (Jamoussi, figs. 2-3 and 5; col. 1, lines 5-10 and 14-46).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan, Tiedemann and Jamoussi as applied to claims 19 above, and further in view of Hasegawa et al. (US 5,065,399).

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan and Tiedemann and as applied to claim 14 above, and further in view of Hasegawa et al. (US 5,065,399).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan and as applied to claim 35 above, and further in view of Hasegawa et al. (US 5,065,399).

9. Regarding claims 20-22 and 36, Hsing in view of Arslan (or Hsing in view of Arslan and Tiedemann or Hsing in view of Arslan, Tiedemann and Jamoussi) does not disclose ordering a release list according to traffic rates. Hasegawa discloses giving restoration priority to the highest bandwidth connection (col. 2, lines 45-50; col. 2, lines 32-38). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to arrange the list of connections according to priority and bandwidth in the invention of Hsing in view of Arslan (or Hsing in view of Arslan and Tiedemann or Hsing in view of Arslan, Tiedemann and Jamoussi) in order to reserve spare network bandwidth to accommodate the failed connections (Hasegawa, col. 3, lines 4-15).

Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan and Hasegawa applied to claim 36 above, and further in view of Tiedemann, Jr. et al. (US 5,914,950).

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10. Regarding claims 37-38, Hsing in view of Arslan and Hasegawa does not disclose compiling an ordered list or table of every connection and releasing the connections in the ordered release list in sequence from highest priority to lowest priority. Tiedemann discloses ordering according to priority a list of users to utilize network resources and selecting in sequence the highest priority user (col. 11, lines 21-30). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an ordered list of connections for reestablishment in the invention of Hsing in view of Arslan and Hasegawa in order to implement the determination and selection of the highest priority connections (Tiedemann, col. 8, lines 23-25 and 46-48).

11. Regarding claims 39-40, in Hsing a failure causes propagation of connection release messages from the network entity toward the source and destination (fig. 4; fig. 6, item 608; fig. 6, item 616 and fig. 7a, item 714-716) for each connection (fig. 6, item 604; fig. 7, item 709) to be reestablished.

Claims 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsing in view of Arslan, Hasegawa and Tiedemann as applied to claim 40 above, and further in view of Jamoussi et al. (US 5,914,950).

12. Regarding claims 41 and 46, Hsing in view of Arslan, Hasegawa and Tiedemann does not disclose a logical IMA trunk. Jamoussi discloses a logical trunk for use in an ATM system (fig. 1, item 34; col. 4, lines 40-44). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a logical trunk as an IMA trunk in the invention of Hsing in view of Arslan, Hasegawa and Tiedemann in order to manage connections using multiple links for a required bandwidth (Jamoussi, figs. 2-3 and 5; col. 1, lines 5-10 and 14-46).

13. Regarding claim 42, in Hsing the network is ATM (abstract, lines 1-3).

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14. Regarding claim 43, the limitations of this claim have been addressed in the rejection of claim 41 above.

15. Regarding claims 44-45, the limitations of this claim have been addressed in the rejection of claims 36-38 above.

Conclusion

Applicant's amendment of July 2003 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the

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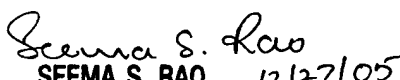
Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

December 17, 2005


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